

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 1/24/2023

DAVONTE HAMILTON,
Plaintiff,

-against-

WESTCHESTER COUNTY, CORRECT CARE
SOLUTIONS, LLC, RAUL ULLOA, JOSEPH K.
SPANO, FRANCIS DELGROSSO, KARL
VOLLMER, and LEANDRO DIAZ,

Defendants.

No. 18 Civ. 8361 (NSR)

ORDER

NELSON S. ROMÁN, United States District Judge:

On September 6, 2022, this Court issued an Opinion & Order in which it GRANTED County Defendants' motion to dismiss Plaintiff's remaining ADA claim. (ECF No. 81.) In so doing, the Court DISMISSED without prejudice Plaintiff's remaining ADA claim against Westchester County. The Court then granted *pro se* Plaintiff leave to replead his ADA claim against Westchester County only. Plaintiff was given until October 6, 2022 to file an Amended Complaint consistent with the Court's September 6, 2022 Opinion & Order.

It appears, however, that Plaintiff never received the September 6, 2022 Opinion & Order. Instead, this Court received returned mail which indicated Plaintiff no longer resided at the Brooklyn Metropolitan Detention Center. This Court issued an order dated December 1, 2022 in which it reminded Plaintiff that it is his "obligation to promptly submit a written notification to the Court if Plaintiff's address changes, and the Court may dismiss the action if Plaintiff fails to do so." (ECF No. 82.) This Court further identified *pro se* Plaintiff's new address, re-mailed a copy of the September 6, 2022 Opinion & Order, and allowed Plaintiff until January 4, 2023 to file an Amended Complaint consistent with the Court's September 6, 2022 Opinion & Order. (*Id.*) Plaintiff was warned that if Plaintiff "fail[ed] to file an Amended Complaint within the time

allowed, and he [could not] show good cause to excuse such a failure, the claim dismissed without prejudice by the September 6, 2022 Opinion & Order [would] be deemed dismissed with prejudice." (*Id.*) As of January 24, 2023, Plaintiff has not filed an Amended Complaint. Accordingly, it is hereby

ORDERED that Plaintiff's remaining claim be dismissed with prejudice.

The Clerk of Court is respectfully directed to mail a copy of this Order and ECF Nos. 81 and 82 to *pro se* Plaintiff at Davonte Hamilton, Reg No. 79409-054, FCI Allenwood Medium, P.O. Box 2000, White Deer, PA 17887, and to show service on the docket.

The Clerk of Court is further directed to terminate the case.

SO ORDERED.

Dated: January 24, 2023
White Plains, New York



NELSON S. ROMÁN
United States District Judge